

No. 9050-4Lab-76/33867.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s Green Field Colony, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 19 of 1973

between

THE WORKMEN AND THE MANAGEMENT OF M/S GREEN FIELD COLONY, MATHURA
ROAD, FARIDABAD

AWARD

By order No. ID/FD/72/10749, dated 15th March, 1973 the Government of Haryana, referred the following dispute between the management of M/s Green Field Colony, Mathura Road, Faridabad and its workmen to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) for sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the management should pay bonus to their workmen for the year 1970 and 1971 ? If so, with what details ?
- (2) Whether the workers are entitled to any dearness allowance linked with consumers price index numbers ? If so, with what details ?
- (3) Whether the management should supply uniforms to their workmen ? If so, with what details ?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* order dated 26th November, 1973.

- (1) Whether the present dispute is not an industrial dispute within the meaning of the Industrial Disputes Act, 1947 (on management).
- (2) In case issue No. 1 is not proved whether the workmen concerned have finally settled their claim ? If so, with what effect ?
- (3) Whether the management should pay bonus to their workmen for the years, 1970 and 1971 ? If so, with what details ?
- (4) Whether the workers are entitled to any dearness allowance linked with consumers price index numbers ? If so, with what details ?
- (5) Whether the management should supply uniforms to their workmen ? If so, with what details ?

The case was fixed for recording evidence of the management on 14th January, 1974 when they absented themselves and on a request made by them in writing the case was adjourned to 12th February, 1974 conditional on their paying Rs 25 as costs. The management did not appear even on 12th February, 1974 and a notice was ordered to be issued to them for their service for appearance in this Tribunal on 11th March, 1974. The service of the notice could be effected for their appearance in this Tribunal only on 13th June, 1974 after the notices were received un-served prior to them from time to time. The management did not appear even on 13th June, 1974 when *ex parte* proceedings were taken up against them and the workmen were directed to adduce their *ex parte* evidence on 16th August, 1974.

The workmen could not lead their evidence despite opportunity being given to them from time and again. The case was adjourned from time to time for recording their evidence to 13th September, 1974, 7th October, 1974, 11th November, 1974, 31st January, 1975, 21st March, 1975, 1st May, 1975, 11th June, 1975, 26th July, 1975, 6th October, 1975, 2nd December, 1975, 12th February, 1976, 22nd April, 1976, 24th June, 1976, 29th July, 1976 and finally to 19th August, 1976 when the authorised representative for the workman also absented himself leading to a conclusion that he had no evidence to adduce and the workmen were not interested in the demand raised by them on the management leading to this reference and there was no dispute between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in these terms.

Dated 26th August, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 1000, dated 26th August, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employments, Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 26th August, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 8th December, 1976.

No. 94352-4Lab-76/33869.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Ahuja General Industries, 17-B, N.I.T. Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 105 of 1974

between

SHRIMATI CHANDER KANTA WORK WOMAN AND THE MANAGEMENT OF M/S
AHUJA GENERAL INDUSTRIES, 17-B, N.I.T., FARIDABAD

AWARD

By order No. ID/FD/74/39643, dated 11th December, 1974 the Governor of Haryana, referred the following dispute between the management of M/s Ahuja General Industries, 17-B, N.I.T., Faridabad and its work woman Shrimati Chander Kanta to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shrimati Chander Kanta was justified and in order ?
If not, to what relief is she entitled ?

The parties put in their appearance in this Tribunal and filed their pleadings.

Whereas the work woman alleged, — *vide* claim statement filed by her that her services had been illegally terminated by the management without assigning any reason, the management pleaded that they never terminated her services and that she on the other hand resigned her job on 20th August, 1974 and that her resignation was accepted by the management and subsequently confirmed by her. They raised a preliminary objection that reference was bad in law for want of service on them of a notice of demands by the work woman directly and its rejection by them before the matter was taken to the Conciliation Officer. The workman controverted the pleas of the management, — *vide* rejoinder filed by her with the result that the following issues were framed on pleas of the parties, — *vide* order, dated 9th May, 1975.

- (1) Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ?
If not, with what effect ? (on worker)
- (2) Whether the termination of services of Shrimati Chander Kanta was justified and in order ? If not, to what relief is she entitled ?

The work woman and her authorised representative absented themselves on 14th July, 1976 despite being directed to appear on that date, — *vide* order, dated 29th April, 1976 with the result that the *ex parte* proceedings were taken up against the former and the *ex parte* evidence of the management was recorded.

Shri M. L. Ahuja examined as M.W. 1 deposed that Chander Kanta work woman personally submitted her resignation Ex. M-1 before him on 20th August, 1974 and that he immediately made an order Ex. M-1/A accepting the resignation and directing the accounts office to pay her dues in

his own hand writing and that he subsequently received letter Ex. M-2 from her in confirmation of the resignation. I see no reason to disbelieve the *ex parte* statement of Shri M. L. Ahuja, particularly when it is found corroborated by the documentary evidence and the proceedings against work woman are *ex parte* and she has not taken care to pursue the demand raised by her on the management leading to the reference. I thus relying on the statement of Shri M. L. Ahuja hold that the management did not terminate the services of the work woman and she on the other hand resigned her job, — *vide* resignation Ex. M-1, dated 20th August, 1974 which was duly accepted the same day, — *vide* order Ex. M-1/A conveyed to her. I decide issue No. 2 in these terms.

Issue No. 1 has already been decided by me in favour of the work woman, — *vide* my order dated 10th October, 1975 with the findings that it was no longer necessary for the work woman to raise a demand directly on the management and for the later to reject it before she took the matter to the conciliation officer, in order to continue an industrial dispute.

The result is that in view of my findings on issue No. 2 the work woman is not entitled to any relief. I answer the reference while returning the award in these terms.

Dated 8th September, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1017, dated 8th September, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 8th September, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9749-4Lab-76/33871.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the Management of M/s. Tools India, 18/6, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 45 of 1976

between

SHRI PARKASH CHAND, WORKSMAN AND THE MANAGEMENT OF M/S TOOLS INDIA,
18/6, MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/932-A-75/6870, dated 13th February, 1976 the Governor of Haryana, referred the following dispute between the management of M/s. Tools India, 18/6, Mathura Road, Faridabad and its workman Shri Parkash Chand to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of section (1) of sub-section 10 of the Industrial Act, 1947.

Whether the termination of services of Shri Parkash Chand was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings.

Whereas the workman alleged,—*vide* claim statement filed by him that his services had been terminated by the management illegally without assigning any reason, the management pleaded that they never terminated his services and that he on the other hand absented himself from duty with effect from 10th November, 1975 after picking up a quarrel with one Shri Satbir Singh a Co-workman in the premises of the factory on 7th November, 1975 at 11.30 A. M. and thereafter at 5 P. M. outside the factory the same day and that he continued to be absent till 24th November, 1975 when his name was struck off the rolls as a result of his long continued absence.

The workman and his authorised representative absented themselves on 25th August, 1976 despite being directed to appear on the date, —*vide* order dated 15th July, 1976 and pursue an application made by the former for setting aside the *ex parte* proceeding taken against him on 14th July, 1976 with the result that his application for setting aside the *ex parte* proceedings taken against him on 14th July, 1976 was dismissed and the *ex parte* evidence of the management was recorded.

The management examined Shri Premjit Singh their Manager who fully supported their pleas with a statement made by him with reference to the register of attendance brought in Court that workman absented himself from 10th November, 1975 to 24th November, 1975 when his name was struck off the rolls.

I see no reason to disbelieve the statement of Shri Premjit Singh particularly when the workman did not care to pursue the demand raised by him on the management and failed to rebut the evidence and the pleas of the management. I thus relying on the statement of Shri Premjit Singh hold that the management did not terminate the services of the workman and that his name on the other hand was struck off the muster rolls as a result of his continued absence for about 15 days and that he is not entitled to any relief.

I answer the reference while returning the award in these terms.

Dated 14th September, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1031, dated 14th September, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 14th September, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 13th December, 1976

No. 11923-4Lab-76/34071.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s Hindustan Structural, Plot No. 155, Sector-24, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 49 of 1974

between

SHRI MAHESH SHARMA WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN
STRUCTURALS, PLOT NO. 155, SECTOR-24, FARIDABAD

AWARD

By order No. ID/FD/74/9990, dated 17th April, 1974 the Governor of Haryana, referred the following dispute between the management of M/s Hindustan Structural, Plot No. 155, Sector-24, Faridabad and its workman Shri Mahesh Sharma to this Tribunal, for adjudication, in exercise of powers conferred by clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Mahesh Sharma was justified and in order ?
If not, to what relief is he entitled ?

On receipt of the reference, notices were issued to the parties. Both parties appeared. The case was fixed for evidence on 14th July, 1976. That day the management prayed for adjournment and the workman did not object, so the case was fixed for 27th August, 1976. Thereafter both the parties prayed for adjournment and stated that they wanted to settle the matter between themselves. The settlement could not take place for some times. The case was fixed today for the evidence of the management. Today both the parties appeared and the workman concerned received a sum of Rs 1,400 in cash from the management. The management paid the sum before this Tribunal. The workman stated that he had received this payment in full and final settlement of his dues and their remained no claim whatsoever hereafter. The management also gave up his right to the reinstatement or re-employment or the back wages.

I find that there is no dispute between the parties now and in view of the statement of the workman and the payment by the management to the workman as aforesaid, I submit my award that there is no dispute between the parties.

Dated 12th November, 1976.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1243, dated 12th November, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 12th November, 1976.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Faridabad.

No. 8470-4Lab-76/34085. —In pursuance of provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Textile Agency (P) Ltd., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 201 of 1973

between

SHRI RAJ NARAIN SINGH, WORKMAN AND THE MANAGEMENT OF M/S TEXTILE
AGENCY (P) LTD., FARIDABAD

AWARD

By order No. ID/FD/73/439/41304, dated 16th October, 1973 the Governor of Haryana, referred the following dispute between the management of M/s Textile Agency (P) Ltd., Faridabad and its workman Shri Raj Narain Singh to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Raj Narain Singh is justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleading giving rise to the following issues framed,—*vide* order dated 10th September, 1974.

- (1) Whether the demand, the subject matter of the reference, was first raised on the management and rejected by it before taking up the matter for conciliation? If not, with what effect? (on workman)
- (2) Whether it is a case of self abandonment of service of the workman concerned? If so, with what effect? (on management)
- (3) Whether the termination of services of Shri Raj Narain Singh is justified and in order? If not, to what relief is he entitled?

The case was fixed for recording evidence of the management on 13th February, 1976 when the workman absented himself despite being directed to appear on that date with the result that *ex parte* proceedings were taken up against him and the management were directed to adduce their *ex parte* evidence.

Shri Shiv Narain Manager, appeared as a witness for the management and deposed that the workman absented himself from duty with effect from 15th April, 1973 and continued to do so till 2nd July, 1973 when his name was struck off the rolls as a result of his long absence. He added that the workman came to the factory on 7th May, 1973 and received his wages due to be paid to him for the period of his duties during April, 1973.

I see no reason to disbelieve the statement of Shri Shiv Narain Manager, particularly when the proceedings against the workman are *ex parte* and he has not taken care to pursue the demand raised by him on the management. I, therefore, relying on his evidence hold that the workman abandoned his job voluntarily and that this is not a case of termination of his services by the management. I accordingly decide issue No. 2 in favour of the management. Issue No. 1 had already been decided by me in favour of the workman with the finding that it was no longer necessary for him to raise a demand on the management and for the later to reject it before the matter was taken to the Conciliation Officer in order to constitute an industrial dispute.

It is thus manifest that the workman is not entitled to any relief in view of my findings on issue No. 2. I answer the reference while returning the award in these terms.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 11th August, 1976.

No. 966, dated 12th August, 1976

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 12th August, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9739-4Lab-76/34087.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Kirlosker Oil Engines Limited, 25 Km., Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 134 of 1976

between

SHRI RAM BALAK CHOWDHARI WORKMAN AND THE MANAGEMENT OF
M/S KIRLOSKER OIL ENGINES LIMITED, 25 KM., MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/991-B-76/24757, dated 22nd July, 1976 the Governor of Haryana, referred the following dispute between the management of M/s Kirlosker Oil Engines Limited, 25 Km., Mathura Road, Faridabad and its workman Shri Ram Balak Chowdhri to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Ram Balak Chowdhari was justified and in order?
If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal on 19th August, 1976 when Shri Amar Singh authorised representative for the workman filed the claim statement and the case was adjourned to 14th October, 1976 for filing of the written statement by the management.

The parties in the mean time made an application before me on 7th September, 1976 praying for recording the settlement. Ex. M-1 entered into and arrived at between them. The file was ordered to be put up before me the same day and the statement of the parties were recorded. The workman Shri Ram Balak Chowdhary made a statement that he had received in cash a sum of Rs 965.19 in full and final satisfaction of all his claim against the management in terms of the settlement Ex. M-1 and that all his demand had thus been satisfied. Shri B. S. Sharma appearing for the management also accepted this settlement as correct.

It would thus appear that the demands raised by the workman on the management leading to the reference have been full satisfied and there is now no dispute between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in these terms.

Dated 14th September, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1030, dated 14th September, 1976.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 14th September, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 7465-4Lab-76/34091.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the Management of M/s Beco Engineering Company Ltd; Ballabgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA ROHTAK.

Reference No. 186 of 1972

between

SHRI JAGDISH CHAND SHARMA, WORKMAN AND THE MANAGEMENT OF M/S. BECO
ENGINEERING COMPANY LTD., BALLABGARH.

AWARD

By order No. ID/FD/72/24858-862 dated 3rd July, 1972 of the Governor of Haryana, the following dispute between the management of M/s Beco Engineering Company Ltd., Ballabgarh and its workman Shri Jagdish Chand Sharma, was referred to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947;

"Whether the termination of services of Shri Jagdish Chand Sharma was justified and in order? If not, to what relief is he entitled?"

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issue :—

"Whether the termination of services of Shri Jagdish Chand Sharma was justified and in order? If not, to what relief is he entitled?"

The reference was fixed for hearing of arguments after the parties had closed their evidence for today when the parties arrived at a settlement and made their statements in accordance with the terms thereof. Shri Jagdish Chand Sharma, workman made a statement that he had received a sum of Rs. 1,000 in cash from the management in Court in consideration of his giving up all his claims including that of his reinstatement in service arising out of the demand raised by him on the management leading to this reference. Shri S. S. Chawla, Personnel Manager and Shri K. P. Aggarwal, authorised representative for the management admitted the statement of Shri Jagdish Chand Sharma to be correct,—*vide* a joint statement made by them.

It would, thus, appear that the controversy between the parties as referred to this Court had been amicably settled and that there is now no dispute between the parties requiring adjudication.

I, hold, accordingly and answer the reference while returning the award in these terms.

Dated the 14th July, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court Haryana,
Rohtak.

No. 1673 dated the 19th July, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 9433-4Lab-76/34093.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s The Bengal National Textile Mills, Ltd; Faridabad

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 65 of 1976

between

SHRI CHANDER PARKASH WORKMAN AND THE MANAGEMENT OF M/S THE
BENGAL NATIONAL TEXTILE MILLS, LTD; FARIDABAD

AWARD

By order No. ID/FD/113-A-75/8708, dated 2nd March, 1976 the Governor of Haryana, referred the following dispute between the management of M/s The Bengal National Textile Mills, Ltd; Faridabad and its workman Shri Chander Parkash to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Chander Parkash was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and made their statements before me on 27th August, 1976 in terms of the written settlement Exhibit M-1 dated 26th August, 1976 executed by them whereby the workman agreed to receive a sum of Rs. 578 in full and final settlement of all his claim including that of his reinstatement and re-employment.

It would thus appear that there is now no dispute between the parties requiring adjudication. I thus hold that the management shall pay a sum of Rs. 578 to the workman in full and final settlement of all his claim leading to the reference including that of his reinstatement. I accordingly answer the reference while returning the award in these terms.

Dated 8th September, 1976

MOHAN LAL JAIN,
Presiding Officer
Industrial Tribunal, Haryana,
Faridabad.

No. 1019, dated 8th September, 1976

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 8th September, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 10314 4 Lab-76/34095.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal- Faridabad, in respect of the dispute between the workmen and the Management of M/s Telesound India Limited, Ballabgarh.

BEFORE SHRI MOHAN LAL JAIN PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 178 of 1974

between

THE WORKMAN AND THE MANAGEMENT OF M/S TELESOUND INDIA LIMITED,
BALLABGARH

AWARD

By order No. ID/FD/74/35828 dated, 23rd October 1974 the Governor of Haryana, referred the following dispute between the management of M/s Telesound India Limited, Ballabgarh and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the workmen should be paid bonus for the year ending December, 1972? If so, with what details?
- (2) Whether the lay off of the workmen during the period from August, 1972 to October, 1973 is justified and in order? If not to what relief they are entitled?

Faridabad Engineering Workers Union Regd, Faridabad which actually served the notice of demands on the management through their Vice President Comrade Nazir Mohd, did not pursue the same despite notice of reference being sent to them and an application made by the General Engineering Mazdoor Union Regd. for impleading them as a party was dismissed by me, —vide my order, dated 13th November, 1975.

Telefunken Workers Mazdoor Union also made an application for being impleaded as a party and pursuing the reference. This application being imposed by the management, the following preliminary legal issue was framed by me, — *vide* my order, dated 23rd April, 1976.

Whether a demand raised by Faridabad Engineering Workers Union through Com. Nazir Mohmad Vice-President leading to the reference can be legally pursued by telephonic Mazdoor union ?

I have heard the learned authorised representative for the parties and feel that the demand raised by Faridabad Engineering Workers Union through Comrade Nazir Mohmad its Vice President can not legally be pursued by Telephonic Mazdoor Union, — *vide* 1961-I-LLJ-504 Ram parshad Vishwa Karma Vs. Industrial Tribunal Patna and others, an authority of the Supreme Court.

I thus decide this issue against the management and hold in absence of pursuit of the demands by Faridabad Engineering workers Union, that the workmen are not entitled to any relief under any of the disputes stated above. I thus answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated the 23rd September, 1976

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1090 dated 28th September, 1976

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 7467-4Lab-76/34097.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the Management of M/s Tools India Private Limited, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.

Reference No. 29 of 1974

between

SHRI SHANKER LAL GAUTAM, WORKMAN AND THE MANAGEMENT OF M/S TOOLS INDIA PRIVATE LIMITED, BAHADURGARH (ROHTAK)

AWARD

By order No. ID/RK/249-A-73/11587, dated 2nd May, 1974 the Governor of Haryana, referred the following dispute between the management of M/s Tools India Private Limited, Bahadurgarh (Rohtak) and its workman Shri Shankar Lal Gautam to this Labour Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Shankar Lal was justified and in order ? If not, to what relief is he entitled ?

The Parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed, — *vide* order dated 26th September, 1974.

- (1) Whether the appointment of Shri Shanker Lal Gautam workman concerned was on probation? If so, with what effect?
- (2) Whether the termination of services of Shri Shanker Lal Gautam was justified? If not, to what relief is he entitled?

The management closed their evidence on 5th November, 1975 when the workman was directed to adduce his rebuttal on 4th February, 1976 when it was adjourned to 6th April, 1976 for recording evidence of the workman on a request made by him. The authorised representative for the workman prayed for yet another adjournment for 6th April, 1976 the date of hearing fixed in the case and the same being granted, the case was adjourned to 3rd June, 1976 when it was again adjourned to 5th July, 1976 on yet another request made by Shri R. S. Dahyia.

Shri R. S. Dahyia, however made a statement on 5th July, 1976 that the workman could not be found out despite best efforts made by him and he as such propose to withdraw the demand raised by him on the management leading to this reference. It would thus appear from the statement of Shri R. S. Dahyia that the workman is not interested in pursuing the demand raised by him on the management, leading to this reference and there is now no dispute between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in these terms.

Dated the 12th July, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1675 dated the 19th July, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 8569-4Lab-76/34109.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Rohtak, in respect of the dispute between the workman and the management of M/s Saraf Industries, Industrial Area, Bahadurgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 17 of 1976

between

SHRI MEHAR CHAND, WORKMAN AND THE MANAGEMENT OF M/S SARAF
INDUSTRIES, INDUSTRIAL AREA, BAHADURGARH

AWARD

By order No. ID/RTK/186-E-75/8036, dated 24th February, 1976 of the Governor of Haryana, the following dispute between the management of M/s Saraf Industries, Industrial Area, Bahadurgarh and its workman Shri Mehar Chand, was referred to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1937 :—

“Whether the termination of services of Shri Mehar Chand was justified and in order? If not, to what relief is he entitled?”

Whereas the workman put in his appearance on 7th April, 1976 in response to the usual notice of reference sent to him, the management absented themselves on that date despite service of such notice with the result that they were proceeded with *ex parte* and the workman was asked to file his claim statement and adduce his *ex parte* evidence on 2nd June, 1976.

The authorised representative for the workman fell ill on 2nd June, 1976 and he applied for an adjournment on that ground. The case was adjourned to 4th August, 1976 when the workman filed his claim statement in support thereof.

The workman deposed that his services were terminated by the management with effect from 19th June, 1975 without assigning any reason and they refused to assign him any duty despite his having approached them many a time for that purpose and that he was entitled to reinstatement.

I see no reason to disbelieve the statement of the workman particularly when the proceedings against the management are *ex parte* and they have taken no care to defend the demand raised by him on them. I, accordingly, relying on his statement, hold that the termination of his services with effect from 19th June, 1975 by the management is unjustified and he is entitled to reinstatement with continuity of service and full back wages. I answer the reference while returning the award in these terms.

Dated 11th August, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1886, dated 16th August, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 10545-4Lab-76/34113—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Manu Paints Industries, Mahavir Park, Bahadurgarh (Rohtak).

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No 86 of 1975

between

SHRI JAGDISH SHARMA, WORKMAN AND THE MANAGEMENT OF M/S MANU PAINTS INDUSTRIES, MAHAVIR PARK, BAHADURGARH (ROHTAK)

AWARD

By order No. ID/RK/329-A-75/54169-74, dated 4th August, 1975, the Governor of Haryana referred the following dispute between the management of M/s Manu Paints Industries, Bahadurgarh and its workman Shri Jagdish Sharma, to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :

“Whether the termination of services of Shri Jagdish Sharma was justified and in order ? If not, to what relief is he entitled ?”

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* my order dated 7th April, 1976 :—

1. Whether the reference is bad in law for the reasons stated in the preliminary objections ?
2. Whether Jagdish Sharma had been employed by the management purely on temporary casual basis @ Rs. 2/- per night to check the locks of their factory ?
3. If not, whether the termination of services of Shri Jagdish Sharma was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for recording evidence of the management on the issues, framed on 3rd September, 1976 when they absented themselves despite being directed to be present and adduce their evidence on that date,—*vide* my order dated 3rd August, 1976, with the result that *ex parte* proceedings were taken up against them.

It would thus appear that the burden of issues so heavily placed on the management remained undischarged and the same have thus to be unavoidably decided against them. I, thus, decide all these issues against the management.

In view of my findings on issues No. 1 to 3, I, hold, that the termination of services of workman by the management with effect from 21st March, 1975 is unjustified and he is entitled to be reinstated

with continuity of service and full back wages. I answer the reference while returning the award in these terms.

Dated the 30th September, 1976

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2227, dated the 4th October, 1976

Forwarded (four copies) to the Secretary to Government, Labour and Employment Departments, Haryana, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 10320-4Lab-76/34121.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Melco Precision, 16/4, Main Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 117 of 1976

between

THE WORKMAN AND THE MANAGEMENT OF M/S MELCO PRECISION, 16/4 MAIN
MATHUHA ROAD, FARIDABAD
AWARD

By Order No. ID/FD/972-A-76/22033, dated 25th June, 1976 the Governor of Haryana, referred the following dispute between the management of M/s. Melco Precision, 16/4, Main Mathura Road, Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the workers are entitled to the grant of bonus for the year 1971-72, 1972-73, 1973-74 and 1974-75 ? If so, with what rate ?

Whereas Shri S. L. Gupta, put in his appearance on behalf of the management as their authorised representative before me on 16th September, 1976, in response to the usual notices of the reference sent to the management, non appeared for the workman despite notice of reference being personally served on Shri Adarash Kishore Sharma, President General Engineering Mazdoor Union Regd. N.I.T., Faridabad who had actually raised the demand on behalf of the workmen as their authorised representative leading to this reference. The absence of the workmen and their authorised representative under the circumstances lead to a conclusion beyond doubt that they are not interested in pursuing between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in these terms.

The 23rd September, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 1084, dated the 28th September 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 28th September, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.